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Practitioner's Docket No. 2857/105

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Daniel Fishman

Application No.: 09/871/990

Group No.: 2173

Filed: May 31, 2001

Examiner: Bonshock, Dennis G.

For: System and Method for Transferring Web-Based Information

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: GROUP DIRECTOR

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER  
MAILING DATE OF FINAL ACTION, NOTICE OF ALLOWANCE  
OR ACTION THAT CLOSSES PROSECUTION BUT BEFORE  
PAYMENT OF ISSUE FEE (37 C.F.R. § 1.97(d))

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

[ ] as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_

  
Signature

Date: February 11, 2005

Kenneth S. Sachar

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

**STATEMENT AND FEE**

2. In accordance with the requirements of 37 C.F.R. § 1.97(d):
- A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. § 1.97(e).
  - B. Applicant submits the fee set forth in § 1.17(p) (\$180.00).

**FEE DUE**

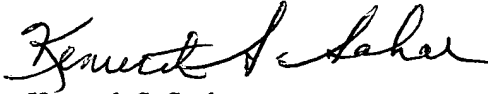
3. Fee due (§ 1.17(p)): \$180.00

**METHOD OF PAYMENT OF FEE**

4. Attached is a check in the amount of \$180.00.

A duplicate of this paper is attached.

Date: February 11, 2005

  
Kenneth S. Sachar

Registration No. 54,418  
Bromberg & Sunstein LLP  
125 Summer Street  
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617-443-9292  
Customer No. 02101

02857/00105 363453.1

The PTO did not receive the following  
listed item(s) a check for \$180.00

Practitioner's Docket No. 2857/105

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

the specification of which is being transmitted herewith

OR

In re application of: Daniel Fishman

Application No.: 09/871,990

Group No.: 2173

Filed: May 31, 2001

Examiner: Bonshock, Dennis G.

For: System and Method for Transferring Web-Based Information

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. SECTION 1.8(a)**

**37 C.F.R. SECTION 1.10\***

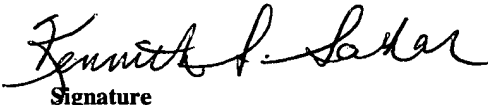
☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

  
Signature

Date: February 11, 2005

Kenneth S. Sachar

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

## INFORMATION DISCLOSURE STATEMENT

**NOTE:** *"An information disclosure statement shall be considered by the Office if filed by the applicant:*

- (1) Within three months of the filing date of a national application;*
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or*
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).*

**NOTE:** *"Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).*

*"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:*

- (1) each inventor named in the application;*
- (2) each attorney or agent who prepares or prosecutes the application; and*
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).*

**NOTE:** *The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.*

**WARNING:** *"No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).*

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

*(check sections forming a part of this statement: disC.F.R.d unused sections and number pages consecutively)*

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

*(complete the following, if appropriate)*

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

**NOTE :** *"Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



**SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Daniel Fishman Attorney Docket: 2857/105  
Serial No: 09/871/990 Art Group Unit: 2173  
Date Filed: May 31, 2001 Examiner Name: Bonshock, Dennis G.  
Invention: System and Method for Transferring Web-Based Information

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	AA	US 5,727,202	Mar. 10, 1998	Kucala, G.	395/610
	AB	US 5,774,867	Jun. 30, 1998	Fitzpatrick, et al.	705/8
	AC	US 5,960,406	Sep. 28, 1999	Rasansky, et al.	705/9
	AD	US 6,000,000	Dec. 07, 1999	Hawkins, et al.	707/201
	AE	US 6,101,480	Aug. 08, 2000	Conmy et al.	705/9
	AF	US 6,216,110 B1	Apr. 10, 2001	Silverberg, S.	705/9
	AG	US 6,269,341 B1	July 31, 2001	Redcay, Jr.	705/8
	AH	US 6,313,852 B1	Nov. 06, 2001	Ishizaki et al.	345/751
	AI	US 6,366,915 B1	Apr. 02, 2002	Rubert, et al.	707/10
	AJ	US 6,405,225 B1	Jun. 11, 2002	Apfel, et al.	707/526
	AK	US 6,577,622 B1	Jun. 10, 2003	Schuster, et al.	370/352
	AL	US 6,648,370 B1	Nov. 11, 2003	Fu, et al.	705/8
	AM	US 6,654,800 B1	Nov. 25, 2003	Rieger, III	709/223
	AN	US 6,675,356 B1	Jan. 06, 2004	Adler, et al.	715/530

Examiner Signature: \_\_\_\_\_

Date Considered: \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

## Section 6. Copies of Listed Information Items Accompanying This Statement

*NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."*

*NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

*(complete the following, if applicable)*

☒ Exception(s) to above:

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

**U.S. patent citations are not included pursuant to the United State Patent and Trademarks Office's September 21, 2004 waiver of the copy requirement in 37 CFR 1.98 for cited pending U.S. patent citations when the patent citations are available in the USPTO's IFW system.**

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this certification is

*(check each applicable item)*

(a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

(b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

(c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

Reg. No.: 54,418

Tel. No.: (617) 443-9292

Customer No.: 002101

  
SIGNATURE OF PRACTITIONER

Kenneth S. Sachar  
*(type or print name of practitioner)*

125 Summer Street, 11<sup>th</sup> Floor  
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Boston, MA 02110

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